



BEFORE THE MADURAI BENCH OF MADRAS HIGH COURT

DATED: 30.10.2017

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THE HONOURABLE MR.JUSTICE R.MAHADEVAN**W.P(MD) No.5624 of 2017 and**
W.M.P. (MD) Nos.4504 & 4505/2017

The Secretary
St.Justin's College of Education,
No.161, Kamarajar Salai,
Madurai District-625 009.

... Petitioner

-vs-

1. The State of Tamilnadu,
Rep. by its Secretary,
Department of Higher Education,
Fort St.George, Chennai-600 009.

2. The Director of Collegiate Education,
College Road, Chennai-600 006.

3. The Joint Director of Collegiate Education,
Madurai Region, Madurai District-625 020.

4. Tamil Nadu Teachers Education University,
Rep. by its Registrar,
Gangaiamman Koil Street,
Karapakkam, Chennai-600 097.

... Respondents

***(R4 substituted and amended as per order of this Court
dated 30.10.2017)***

Prayer: Writ Petition filed under Article 226 of the Constitution of India praying to issue a Writ of Certiorari, calling for the records relating to the impugned order issued by the 1st respondent State Government vide G.O.Ms.No.119 Higher Education (E1) Department dated 20.05.2009 and quash the same in so far as it restricts the minority status of the petitioner-college namely St. Justin's College of Education, Kamarajar Salai, Madurai District to a limited period of 5 years from 2007 to 2012.

For Petitioner : Mr.T.Cibi Chakraborty

For R1 to R3 : Mr.J.Gunaseelan Muthiah
Govt. Advocate

For R4 : Mr.V.Venkatesan

**ORDER**

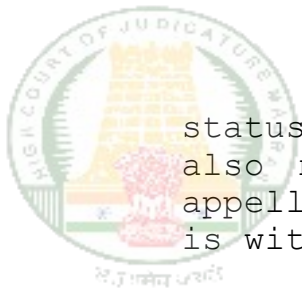
This writ petition has been filed, seeking to quash the impugned order of the 1st respondent in G.O.Ms.No.119 Higher Education (E1) Department dated 20.05.2009, by which the petitioner-college was recognized as Christian Religious Minority Institution only for a limited period of five years, viz., 2007 to 2012.

2. The case of the petitioner is that the petitioner-college, affiliated to the 4th respondent University, was established in the year 1968 and though the petitioner-college has been recognized as a Christian Religious Minority Institution by G.O.Ms.No.119 Higher Education (E1) Department dated 20.05.2009, its status as a Minority Institution has been restricted to a limited period of five years from 2007 to 2012. Challenging the same, the petitioner is before this Court.

3. Heard the learned counsel for the petitioner and the learned Government Advocate appearing for R1 to R3 and perused the materials available on record.

4. The contention of the learned Counsel appearing for the petitioner-college is that once an institution is declared to be a minority, there cannot be any restriction of specific period. The learned Counsel has made reliance upon the Judgment of a Division Bench of this Court in **Secretary, Jeyaraj Annapackiam College. Vs.State of Tamil Nadu**, reported in **(2013) 8 MLJ 509**, wherein it has been held that such a restriction cannot be accepted in the eye of law. In the said Judgment, referred to supra, the Division Bench was pleased to hold as follows:

"6. The reason given by the learned single Judge for distinguishing the said judgment is that the matter is pending before the Hon'ble Supreme Court regarding the issue of grant of minority status to linguistic minorities. It is relevant to note herein that the appellant College is a religious minority institution, viz. Christian religion. It may be noted that Christians are minorities not only throughout India but also in the State of Tamil Nadu. The same is also made clear in the Government Order issued in G.O.Ms.No.270, Higher Education (J1) Department, dated 17.06.1998. In paragraph 8(vi), it is stated that to decide whether an applicant is a minority or not based on religion or language, the total population of that minority in the State of Tamil Nadu shall be taken into consideration and not the population of that minority in any particular region where the educational institution is situated. Therefore, it is evident that the impugned order restricting minority status which was upheld by the learned single Judge is without noticing the said guidelines issued by the Government itself in G.O.Ms.No.270, Higher Education (J1) Department, dated 17.06.1998. It is also to be noted that the said Government Order, no where states that minority



status can be given to a limited period. The Government is also not doubting the claim of minority status of the appellant-College. Hence the order restricting the period is without any rhyme or reason.

7. We are in entire agreement with the Division Bench judgment of this Court reported in *Thirumuruga Kirupananda Variyar Thavathiru Sundara Swamigal, Medical, Educational and Charitable Trust, Salem v. State of Tamil Nadu* stated *supra*. Accordingly, the order of the learned single Judge is set aside. The minority status given to the appellant will hold good without any restriction period. However, if the respondents are able to find any change in the constitution of educational agency or if the institution is run contrary to the Memorandum of Association / Bye-laws of the Society, it is open to the Government to issue notice and take appropriate decision in accordance with law."

5. In view of the said pronouncement, the order impugned is hereby set aside, insofar as it restricts the minority status given to the petitioner institution only for a period five years. However, if the respondents are able to find any change in the constitution of educational agency or if the institution is run contrary to the Memorandum of Association/Bye-laws of the society, it is open to the Government to issue notice and take appropriate decision in accordance with law.

6. In fine, the writ petition is allowed as indicated above. Consequently, the connected miscellaneous petitions are closed. No costs.

Sd/-

Assistant Registrar(AD-II)

/True Copy/

Sub Assistant Registrar

To:

1. The Secretary,
State of Tamilnadu,
Department of Higher Education,
Fort St. George, Chennai-600 009.
2. The Director of Collegiate Education,
College Road,
Chennai-600 006.
3. The Joint Director of Collegiate Education,
Madurai Region,
Madurai District-625 020.

+1cc to Mr.T.CIBI CHAKARABORTHY Advocate in SR. No. 84803

+1cc to M/s.U.VENKATESAN Advocate in SR. No. 84462

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W.P(MD) No.5624 of 2017

30.10.2017